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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,964	12/04/2003	Monty H. Foust	P00804-US-00	7685
22446	7590	06/14/2005	EXAMINER TON, ANABEL	
ICE MILLER ONE AMERICAN SQUARE BOX 82001 INDIANAPOLIS, IN 46282			ART UNIT 2875	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/727,964

Applicant(s)

FOUST ET AL.

Examiner

Anabel M. Ton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 19, 20, 23 and 27 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 12-18, 21, 22 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,19-20,23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoney (1,557,277).
3. Stoney discloses at least one reflector (1), and least one light source positioned within the at least one reflector (2) and at least one foreground shield located in front of the at least one light source wherein the foreground shield has two sides that taper up from a bottom portion of the foreground shield to formed a triangular shaped shield (figs 1,4, col. 1 lines 46-55); the bottom portion is radiused (8), the bottom portion is centered and forms a point (8). With regards to method claim 23, Stoney discloses all the structural limitations of the method claim, therefore the above rejection applies.

Claim Rejections - 35 USC § 103

4. Claims 2-8,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoney as applied to claim1 above, and further in view of Hashimaya et al (6,540,387)

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5. Stoney discloses the claimed invention except for the recitation of a lens and cutoff shield below the foreground shield. Hashimaya et al discloses a headlamp with a cutoff shield and a lens in front of at least one light source (Fig. 4,). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a cut off shield and lens in the device of Stoney for the purpose of providing the reflector with a high and low beam function and means for covering the internal working parts of the light device.

With regards to a second lamp assembly containing a foreground shield, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a second lamp assembly containing a foreground shield since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, most modern automotive vehicles inherently have a pair of headlamp assemblies. Furthermore to duplicate the foreground shield of one headlamp in the second headlamp would have been obvious since vehicular headlamp assemblies require a structural cooperation of each side to emit an even light distribution.

- Hashimaya discloses a first and second high/low beam front lamp assembly and at least one driving lamp. (Figs 4-8 Hashimaya)
- At least one driving lamp comprises one driving lamp (fig 4, Hashimaya)
- The first and second front lamp assemblies each comprise a high beam/low beam projector headlamp assembly (figs 408 Hashimaya)

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- With regards to the one driving lamp comprising two driving lamps that each contain at least one foreground shield, it would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the amount of foreground shield in the two driving lamps since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Hashimaya discloses two driving lamps.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoney and further in view of Taniuchi et al (6,543,910).

7. Stoney disclose the claimed invention except for the recitation of a lens and a cutoff shield. Stoney discloses at least one reflector, at lest one light source positioned within the reflector (1), a foreground shield (7) with a top portion and a bottom portion located in between the at least one light source and outside of the reflector wherein the top portion of the foreground shield has a width that is substantially greater than the bottom portion of the foreground shield (8). Taniuchi discloses a projection lamp with a lens (9) and movable cutoff shield (6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of a lens and a cutoff shield in the device of Stoney, since a lens for use in a headlamp is old and well known in the art to provide desired optical effects on the light emitted from the lamp and to protect the interior working parts and a cutoff shield for use in a headlamp assembly is old and well known in the art, as taught by Taniuchi, for the purpose

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of providing a means for switching high beam and low beam functions of a headlamp.

Allowable Subject Matter

8. Claims 9,10,12-18,21-22,24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not teach the combination of:

- Headlamp system wherein the front lamp assembly comprises a first high beam compartment and a first low beam compartment and wherein the second front lamp assembly comprises a second high beam compartment and a second low beam compartment wherein the first and second low beam compartments each contain the at least one foreground shields.
- At least one foreground shield in each headlamp assembly is movable between a blocking position and a pass through position.
- An at least one actuator mechanically connected to the at least one foreground shield and cutoff shield, wherein the actuator moves the foreground shield and cutoff shield between each of their blocking positions

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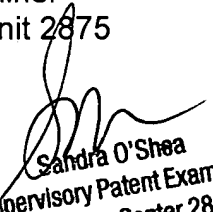
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875


Sandra O'Shea
Supervisory Patent Examiner
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